NATIONAL UNIFICATION OF LAW.

THE present official effort to obtain greater harmony or identity of statute law among the States of the Union has been the cause of bringing officially appointed representatives of the several States of the Union together to discuss legal and constitutional questions for the first time since the meeting of the Constitutional Convention itself. In the more than one hundred years that have elapsed since that period, it has been interesting in the conferences of these commissioners to note both how great and how small the changes have been in the characteristics of the several States and in the views of their citizens upon cardinal questions of civilization. So far the progress made by this conference is small; for but few of the States have been represented, and the commissioners have not deemed it wise to proceed rapidly until at least a large majority of the States have come to take part in their debates and their resolutions: as, under our constitutional government, the propriety of enacting uniform laws in the several States must rest wholly either on convenience or on considerations of specific evils resulting from diversity in legislation on certain topics.

It seems clear that it is not within the scope of this movement to obtain, either by national constitutional amendment or by universal State enactment, changes toward uniformity in the fundamental principles of law. The root framework of society must be left to our forty-four independent sovereign States to determine for themselves; and the results of their determination will probably be more instructive, in their very diversity, than any inconveniences fairly resulting therefrom are injurious. But in matters purely formal, — or, perhaps, in matters like divorce, where, from the nature of the case, it is impossible for any one State to legislate finally and effectually, — it is undoubtedly wise to attempt by constitutional principles, that is, by voluntary State action, to obtain uniformity.

The first question, then, in determining whether uniformity of legislation is wise on any particular subject is, whether it is one purely formal, and not one essentially important, — as, for instance, the question of days of grace on bills and notes, or the form of a notarial certificate or protest, — or whether it is part of the legal and social framework of the community, which it has a right to create

for itself, and to hold unchanged without regard to any difference of condition in other States. The best example, perhaps, of this latter kind would be the descent of real estate : the question of who a man's heirs are to be, and in what proportion they are to share his land, being one which each sovereignty may obviously decide for itself over its own domain, without regard to any difference of custom in neighboring territories. On these two extremes most people would be agreed ; but it is in the third or middle class of subjects that the labors of the commissioners on Uniformity of Legislation will excite the greatest criticism, while also it is in matters of this third class that the greatest inconvenience has been felt, and the greatest cause for their action exists. The present movement itself grew largely out of the efforts and agitations of the several State and national divorce and moral reform leagues. There is no subject upon which uniform law has been so much desired, and none in which any definite uniform statute will be so much criticised; yet, by the statutes creating all these State commissions they were ordered to take up the subject of marriage and divorce; and some progress, even in these subjects, has been made. The conservative distinction here would perhaps be that so far as the *forms* go, the ceremony or want of ceremony, the perpetuation of evidence of marriage, and so far as the mere procedure, service of process, jurisdiction, and effect of divorce are concerned, a uniform law may hopefully be attempted; but when it comes to legislation on the *causes* which are sufficient for divorce, on the existence of divorce itself, and the nature and restrictions of the marriage contract, — these matters go too deeply into the essentials of life to be taken out of the regulation of the States for themselves, even by a voluntary and concerted action on their part.

So far only eight States have been represented in the two conferences, or congresses, which have been held of the several State Commissions; but as many more have already passed statutes creating commissions, and it may fairly be expected that within two years a majority of the States will be represented in the conferences.

The first meeting was held at Saratoga, N. Y., on August 24th to August 26th last. A general order of business was unanimously adopted ; namely, that the Conference should begin by taking up the more simple matters, — as far as possible, matters purely formal, — and afterwards proceed to the more substantial. Upon this

order the question of acknowledgments to deeds and notarial certificates was taken up first. It was admitted that all the States of the Union require a deed to be properly acknowledged or proved as a preliminary to record, and that some States require acknowledgment or witnesses as a requisite to the validity of the deed itself. But this latter being unusual, it was disregarded by the Conference, which contented itself with attempting to draw up one form of acknowledgment which should be recognized as valid throughout the States of the Union, even though it might be additional to forms already recognized in some of the States. What was wanted was one universal form which any lawyer throughout the Union would recognize as sufficient in the State where a deed sent to him was executed, and dispense him from making further inquiry into the laws or customs of that State. It was held not sufficient merely to recommend that an acknowledgment, when valid, where taken, should be valid in other States; because the whole practical difficulty lies in determining whether an acknowledgment is sufficient in the foreign State where it was taken. As a result of their debates on this subject, the Conference adopted the forms which are printed at the end of this article, based on a set which had previously been recommended by the American Bar Association. A bill legalizing these forms will probably be introduced at the next meeting of the Legislature of every State in the Union.

It may be interesting to note the principal matters which aroused debate on this and other points. In the form of acknowledgment as recommended, the word "free" aroused the particular animosity of one of the delegates from New York. He argued that when a man said an instrument was his act and deed, it was just the same as to say it was his free act and deed, and that the general principle which should govern the labors of law reformers was to reject surplusage. Nevertheless, it was held that the word "free," being contained in the form of acknowledgment of the vast majority of the States, and having got itself pretty well into the minds of the people in this connection, the advantage of greater conciseness was not sufficient in this instance to make it worth while to leave the word out. So, "free act and deed" it remains, as far as the labors of this Conference could make it.

The next question which aroused discussion was, whether it would be wise to establish some officers as having power to take acknowledgments and proofs of deeds throughout the Union. The

Massachusetts Commissioners were of impression that notaries public, being already universally entitled to take protests of bills and notes, and being throughout most of the civilized world the officers specially charged with authenticating foreign deeds or evidence, it would be a convenient rule to establish this one officer as the general one who would always have authority to take acknowledgments of deeds, and to provide that his seal should sufficiently authenticate his certificate of acknowledgment, without further certificate of clerks of court or other functionaries.

The New York Commissioners objected to this on the ground that notaries were plenty as blackberries in that State, and almost equally wild; and gentlemen from the South objected that notaries in their States were very commonly unprovided with seals. So, after full debate, the form was adopted as printed below, by which the one universal rule is, that any officer duly authorized in the State where he takes the acknowledgment may do so, and his certificate be recognized as valid everywhere, provided it be further certified to by the Secretary of State, or a clerk of a court of record, with seal, stating that the officer had such authority and that his handwriting is genuine.

The Conference were unanimously of opinion that there should be no separate examination required in the case of deeds by married women; and this recommendation was adopted, although, perhaps, going farther than the others in the direction of modifying substantive law; but the whole tendency of State legislation is in the direction of putting married women precisely on a par with men in all particulars of powers and property; and it was doubted whether the separate examination afforded much real protection against domination by the husband, — the general opinion being that where the gray mare was not the better horse, she would not suddenly become so because left alone in a room with a magistrate.

Some debate was had on the question of allowing one of several grantors to acknowledge the instrument sufficiently to entitle it to be recorded with effect against all of them; but upon this point it was found that the laws of the States, as well as the interpretation of their statutes by their several courts, differed so much that it was not wise to deal with it at present.

The form of the seal aroused a discussion which bore more fruit. It is obvious that there are two questions concerning seals liable to be confounded. One is, What shall be the nature or form of a seal itself to make it valid as a seal? The second, What shall be the

legal consequence when it is valid as a seal? The Southern and Western delegates were generally in favor of abolishing the use of the seal entirely. All the commissioners were in favor of making its use as easy as possible by any method which would clearly indicate that the use of the seal was intended. As a result, either the word "seal" or the letters "L. S.," written or printed on the paper, were made sufficient; but the Conference were not willing to allow a mere scroll, or scrawl of the pen, for the reason that in such cases it is impossible to tell whether an ordinary signature with a flourish is meant to be a signature with a seal, or a mere paraph.

It may be shown, and it is the fact throughout the United States, that there are three different ways of treating the question of seals: one, to abolish them entirely; one to make them necessary to certain instruments; and a third, to make them merely the sign, dispensing with any inquiry into consideration. In some Western States the statute is adopted that all written instruments shall be presumed to have consideration, which would seem to put written instruments in the place of sealed instruments at the common law. After some debate the conference decided not to go into this matter at this time, but to content itself with merely recommending the form of the seal, leaving the consequences to be what they might be in the several States.

It will be seen that as a result of these recommendations, if adopted as laws, the whole matter of the form and execution of deeds would be made clear and uniform throughout the United States. None of the present forms or methods would be rendered invalid in the States where they are now legal; but any lawyer throughout the country would have at his fingers' ends one method which at least would be valid, and would cover every possible point of the execution, form, and authentication of deeds.

The corresponding question relating to wills the Conference did not go into further than to recommend as a universal law that which is already law in most States, that a will executed without any State, either in the mode prescribed by the law of the place where executed, or of the place where the testator lived, shall be deemed to be legally executed, provided only it be in writing and subscribed by the testator; and further, that any will duly proved where the testator lived, may be proved in any other State by exemplified copy and record of such probate, without any original proof; and shall then have the same effect as if originally proved and allowed in such State.

One notices that there may be a question here. In States where a will proved is absolutely valid after the time of appeal has elapsed, this statute reaches further than in States where probate of a will is at all times only presumptive evidence as affecting the title of real estate. Nevertheless, the statute proposed would seem to leave this law where it found it, only making foreign probate of the same effect as it had in the State; although unquestionably it thereby prevents attacks upon the validity of the will, which might otherwise be had in the State where proved in the second instance. Nevertheless, the statute is one of great convenience, is already generally adopted, and would seem to be fair; as the law of the testator's domicile, which should properly govern, is by it made to govern.

On the subject of *bills and notes*, the Conference contented itself with recommending the abolishing of all days of grace, and attempting to make the rule universal that notes falling due on Sundays and holidays should be payable and presentable on the secular day next succeeding such holiday; this seeming a fairer rule to the debtor than the one now prevailing in many States. Nevertheless, it is probable that the former suggestion will be slow of adoption, although it is demonstrable that the days of grace do not benefit the debtor, and tend to confuse the transaction by mistakes and errors of computation, and also make much additional work and book-keeping for banks. There is so strong a notion that something is to be gained by a debtor in saying that he borrows money for sixty and three days instead of borrowing it for sixty-three days, that it will share the difficulty of all prejudices in being removed. In fact, the bill embodying this recommendation has already been defeated at least in the Legislature of Massachusetts.

The Conference had now left its merely formal matters, and got down to serious business, when it touched the subject of marriage and divorce. As all shades of opinion are doubtless represented in the United States, from those who would have no marriage, those who would have it an ordinary civil contract, revocable like other civil contracts by consent of both parties, to those who would have it a sacrament, a state or a finality, so most of these opinions were represented in the Conference. The only subject upon which the Conference really agreed was that it should at least be made perfectly clear in every State what a marriage is, when it happens, and how its evidence shall be perpetuated.

The special point about which the tide of discussion ebbed and

flowed was the so-called "common-law marriage," or Scotch marriage,— marriage by consent, marriage *de facto*, or, as the extreme conservatives would call it, marriage which is not marriage at all. A strong general prejudice in the South and West in favor of making marriage as easy as possible was met by an equally strong determination in the North and East that people who were getting married should understand and realize the fact at the time; and that so important an event in a man's life should at least leave behind it some trace which could be a test to his collateral heirs, his descendants, his widow, and most particularly to his later alleged wife. Gentlemen from metropolitan New York appeared most in dread of adventurers of the gentler sex, while gentlemen from the chivalric South were much more troubled with the conduct of designing males. The common-law marriage, or marriage by mere cohabitation, was declared ingrained in the manners of the people of one section of the country, while the necessity of a church ceremony, or at least some civil act adequately representing it in formality, was declared equally a corner-stone of the civilization of the Puritans. It was, perhaps, a depressing inference to draw that the chief anxiety of our older civilization appeared to be how to avoid marriage, while that of the newer country was rather how most easily to incur it. It may well be imagined that the Conference wisely abstained from recommending anything radical on the subject. Recognizing the impossibility of keeping the sexes entirely apart (which would undoubtedly be the easiest method of disposing of the difficulty), the Conference only endeavored to devise a means of making the parties clearly state under what relation they came together. The result will be found in the recommendations printed below. It was strenuously declared — and this at least seemed to meet the general approval — that a person who incurred the obligation of marriage should surely be required to go through the same formality required of him when he obligated himself for goods and merchandise to a greater value than ten pounds sterling. The chivalry of the commissioners carried them unanimously, and without demur on the part of any member, as far as the secretary is advised, to this point: that a wife was at least of the value of fifty dollars. Accordingly, it was declared that a marriage without minister, ceremony, or witnesses, without bell, book, and candle, without record and without acknowledgment, should at least be evidenced by a scrap of paper signed by both parties; that the question, if it ever came to trial,

might be transferred to the simpler studies of forgery rather than the complex investigations of what Solomon termed the ways of a man with a maid. And the New England delegates further carried their point to the extent of getting a recommendation, in the form of statute, to all the States that provision be made for the immediate record of marriages, however solemnized, or when not solemnized at all, — it being held by them that the question of matrimony was of greater general importance even than that of the proper ownership of an acre or so of wild land. These matters were pretty unanimously passed; but when the much-vexed question of the age of consent, so-called, arose, there was, after the most heated debate, very far from a decided vote upon the question. Many of the commissioners were unwilling to touch upon the subject at all. Others said that they were particularly charged by their State Legislatures to take action upon this, and that on no other one thing was there so great a public expectation that something should be done. Attention was duly called to the fact that the very words, "age of consent," may mean entirely different things, according as the statutes or laws of a State regard the breach of this provision. For instance, it makes very much difference whether an attempted marriage between parties, one of whom is under the age of consent, is declared to be no marriage at all, even when followed by the birth of children, or whether it merely subjects the elder party to a sort of judicial reprimand, or renders the magistrate or clergyman liable to a five-dollar fine, or enjoins upon him the duty of not marrying them unless papa or mamma be present.

The Conference recognized this difference, but still decided that they could not presume to go into the manner in which separate States interpreted their own regulations; and the debate was limited to the fixing of the age of consent, without deciding what the term meant. All classical literature would appear to show that the age of consent, from the Garden of Eden down, would necessarily and solely mean that age at which the lady in fact consented; and certainly the descendants in all cases would strenuously stickle for that theory, it being equally in accordance with common-sense, the Bible, and the manners of the most polite courts. Nevertheless, all the States of this country, and indeed the common law (only the common law puts it, in all conscience, young enough), have established an age of consent. The common law takes the liberal latitude of anything above twelve and fourteen. Now there

is undoubtedly a very earnest desire on the part of many of our best people — many of those whose wishes are most to be considered in matters of this sort — that the common-law rule should be made less liberal. Probably no one would wish to put it higher than eighteen or twenty-one; but from this down there are many opinions for all possible ages.

As a result, the Conference suggested the age of eighteen in the male, and sixteen in the female. Undoubtedly there are climatic reasons for not making this rule the same in all parts of the country; nevertheless, the difficulty of establishing a sort of Mason-and-Dixon's line on the ability to marry will be obvious to the most flippant observer. The recommendation, as a recommendation, does no harm; but the reader will probably think that it had better stay a recommendation, that the several States, while perhaps increasing the common-law age, should nevertheless be left to determine such precise needs as their own experience warrants, and that in all States no marriage should be impeached for nonage which is followed by the birth of a child. One may apprehend in all seriousness that this matter cannot be settled by this country or in this generation. This is not saying that it is not well to agitate it and improve the laws where we see them at fault, — notably in matters of divorce; and on this point it is hoped that the divorce statutes printed below will gradually commend themselves to the good sense of the community. They will prevent what is undoubtedly the greatest abuse now, namely, the procuring of divorces easily and without publicity in foreign States, which have no proper jurisdiction, and without notice to the defendant party, who is usually, in such cases, the innocent party. But it would seem that the question of marriage is one which not only varies at any one time in different sects, in different communities, in different civilizations, and in different races, but is one upon which any one community is not at a point of stable equilibrium. Unquestionably this most important relation is undergoing a change, — a change at least in the point of view from which it is regarded, if not in the statutes embodying it. Democracy, the modern view of property, the other modern movement, — which only began with Mary Wollstonecroft in the early part of this century, and is known as the emancipation of women, — is certainly, in its last result, not going to leave the relation of the sexes where it found it. And, yet, so far, there has been on the statute book very little change. All the debates of conferences such as

this, while interesting, — as the conversation of any intelligent person must be on this subject, — are nevertheless entitled to little more consideration than — perhaps not so much as — that great unconscious public sentiment, which does not rise to that point of conscious intellectual consideration, but which, behind the manners and movements of mankind, dominates the action of humanity, creates society, and only afterwards appears in laws and statutes.

F. J. Stimson.

APPENDIX.

FORMS OF BILLS RECOMMENDED, AND RESOLUTIONS ADOPTED.

Acknowledgment and Execution of Deeds.

AN ACT RELATING TO ACKNOWLEDGMENTS OF WRITTEN INSTRUMENTS.

(Enacting Clause.)

SECTION 1. Either the forms of acknowledgment now in use in this State, or the following, may be used in the case of conveyances or other written instruments, whenever such acknowledgment is required or authorized by law for any purpose: —

(Begin in all cases by a caption specifying the State and place where the acknowledgment is taken.)

1. In the case of natural persons acting in their own right: —

On this day of 18 , before me personally appeared A B (or A B and C D), to me known to be the person (or persons) described in and who executed the foregoing instrument, and acknowledged that he (or they) executed the same as his (or their) free act and deed.

2. In the case of natural persons acting by attorney: —

On this day of 18 , before me personally appeared A B, to me known to be the person who executed the foregoing instrument in behalf of C D, and acknowledged that he executed the same as the free act and deed of said C D.

3. In the case of corporations or joint-stock associations: —

On this day of 18 , before me appeared A B, to me personally known, who, being by me duly sworn (or affirmed), did say that he is the president (or other officer or agent of the corporation or association) of (describing the corporation or association), and that the seal affixed to said instrument is the corporate seal of said corporation (or association), and that said instrument was signed and sealed in behalf of said corporation (or association) by authority of its Board of Directors (or trustees), and said A B acknowledged said instrument to be the free act and deed of said corporation (or association).

(In case the corporation or association has no corporate seal, omit the words "the seal affixed to said instrument is the corporate seal of said corporation (or

association), and that," and add, at the end of the affidavit clause, the words "and that said corporation (or association) has no corporate seal.")

(In all cases add signature and title of the officer taking the acknowledgment.)

SECTION 2. The acknowledgment of a married woman when required by law may be taken in the same form as if she were sole, and without any examination separate and apart from her husband.

SECTION 3. The proof or acknowledgment of any deed or other written instrument required to be proved or acknowledged in order to enable the same to be recorded or read in evidence, when made by any person without this State and within any other State, Territory or District of the United States, may be made before any officer of such State, Territory or District authorized by the laws thereof to take the proof and acknowledgment of deeds, and when so taken and certified as herein provided, shall be entitled to be recorded in this State, and may be read in evidence in the same manner and with like effect as proofs and acknowledgments taken before any of the officers now authorized by law to take such proofs and acknowledgments, and whose authority so to do is not intended to be hereby affected.

SECTION 4. To entitle any conveyance or written instrument, acknowledged or proved under the preceding section, to be read in evidence or recorded in this State, there shall be subjoined or attached to the certificate of proof or acknowledgment, signed by such officer, a certificate of the Secretary of State of the State or Territory in which such officer resides, under the seal of such State or Territory, or a certificate of the clerk of a court of record of such State, Territory or District in the county in which said officer resides, or in which he took such proof or acknowledgment, under the seal of such Court, stating that such officer was, at the time of taking such proof or acknowledgment, duly authorized to take acknowledgments and proofs of deeds of lands in said State, Territory or District, and that said Secretary of State, or Clerk of Court, is well acquainted with the handwriting of such officer, and that he verily believes that the signature affixed to such certificate of proof or acknowledgment is genuine.

SECTION 5. The following form of authentication of the proof or acknowledgment of a deed or other written instrument when taken without this State and within any other State, Territory or District of the United States, or any form substantially in compliance with the foregoing provisions of this Act, may be used.

Begin with a caption specifying the State, Territory or District, and county or place where the authentication is made.

I, , Clerk of the in and for said County, which Court is a court of record, having a seal (or I, , the Secretary of State of such State or Territory), do hereby certify that by and before whom the foregoing acknowledgment (or proof) was taken, was, at the time of taking the same, a notary public (or other officer) residing (or authorized to act) in said county, and was duly authorized by the laws of said State (Territory or District) to take and certify acknowledgments or proofs of deeds of land in said State (Territory or District), and further that I am well acquainted with the handwriting of said and that I verily believe that the signature to said certificate of acknowledgment (or proof) is genuine.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said Court (or State) this day of , 18 .

SECTION 6. The proof or acknowledgment of any deed or other instrument required to be proved or acknowledged in order to entitle the same to be recor led or read in evidence, when made by any person without the United States, may be made before any officer now authorized thereto by the laws of this State, or before any minister, consul, vice-consul, chargé d'affaires, or consular agent of the United States resident in any foreign country or port, and when certified by him under his seal of office it shall be entitled to be recorded in any county of this State, and may be read in evidence in any Court in this State in the same manner and with like effect as if duly proved or acknowledged within this State

AN ACT RELATING TO THE SEALING AND ATTESTATION OF DEEDS AND OTHER WRITTEN INSTRUMENTS.

(Enacting Clause.)

SECTION 1. In addition to the mode in which such instruments may now be executed in this State, hereafter all deeds and other instruments in writing executed by any person or by any private corporation, not having a corporate seal, and now required to be under seal, shall be deemed in all respects to be sealed instruments, and shall be received in evidence as such, provided the word "Seal," or the letters "L. S." are added in the place where the seal should be affixed.

SECTION 2. A seal of a court, public officer or corporation may be impressed directly upon the instrument or writing to be sealed, or upon wafer, wax, or other adhesive substance affixed thereto, or upon paper or other similar substance affixed thereto by mucilage or other adhesive substance. An instrument or writing duly executed in the corporate name of a corporation, which shall not have adopted a corporate seal, by the proper officers of the corporation under their private seals, shall be deemed to have been executed under the corporate seal.

SECTION 3. No attesting witness shall be necessary for the due execution of any deed or other written instrument conveying lands or any interest therein, provided the same be duly acknowledged. But, in case the same has not been acknowledged, one attesting witness to such instrument shall be sufficient for the validity thereof, and for proving the same for record.

The following resolutions were adopted on the subject of Marriage and Divorce: —

Marriage.

"RESOLVED, that it be recommended to the State Legislatures that legislation be adopted requiring some ceremony or formality, or written evidence, signed by the parties, and attested by one or more witnesses, in all marriages; provided, however, that in all States where the so-called common-law marriage, or marriage without ceremony, is now recognized as valid, no such marriage, hereafter contracted, shall be valid unless evidenced by a writing, signed in duplicate by the parties, and attested by at least two witnesses.

"RESOLVED, that we recommend to the several Legislatures further to provide that it shall be the duty of the magistrate or clergyman solemnizing the marriage to file and record the certificate of such marriage in the appropriate public office.

"RESOLVED, that in cases of common-law marriages, so called, evidenced in writing, as above provided, it shall be the duty of the parties to such marriage to file or cause to be filed such written evidence of their marriage, in an appropriate public office, within ninety days after such marriage shall have taken place, and that a failure so to do shall be a misdemeanor.

"RESOLVED, that it be further recommended to the legislatures that in case the certificate last mentioned be not filed as aforesaid, or if no subsequent ratification by both parties, evidenced as aforesaid by like writing, be filed, then neither party shall have any right or interest in the property of the other.

"RESOLVED, that we recommend to all the States that stringent provision be made for the immediate record of all marriages, whether solemnized by a clergyman or magistrate, or otherwise entered into, and that said provisions be made sufficiently stringent to secure such record and the full identification of the parties."

The following resolution, passed at the meeting of the Conference held at Saratoga, was re-adopted, viz.: —

"That the age of consent to marriage should be raised to eighteen in the male, and sixteen in the female."

Divorce.

"RESOLVED, that it is the sense of this Conference that no judgment or decree of divorce should be granted unless the defendant be domiciled within the State in which the action is brought, or shall have been domiciled therein at the time the cause of action arose, or unless the defendant shall have been personally served with process within said State, or shall have voluntarily appeared in such action or proceeding.

"Where the defendant shall not be domiciled in the State in which such action is brought, or shall not have been domiciled therein at the time the cause of action arose, the plaintiff must prove either that the parties have lived together in that State as husband and wife, or that the plaintiff has in good faith resided in said State for at least one year next preceding the commencement of the proceeding.

"RESOLVED, that it is the sense of this Conference that in all libels for divorce for adultery with some person named therein, such person shall be made a co-respondent, and personal service of the libel shall be made upon such person, unless it appear to the Court that such service was impracticable.

"RESOLVED, that where a marriage is dissolved, both parties to the action shall be at liberty to marry again."

It was also resolved that the Legislatures of the States be recommended to pass laws in conformity with the foregoing resolutions.

Wills.

AN ACT RELATING TO THE EXECUTION OF WILLS.

(Enacting Clause.)

FIRST. A last will and testament, executed without this State in the mode prescribed by the law, either of the place where executed or of the testator's

domicile, shall be deemed to be legally executed, and shall be of the same force and effect as if executed in the mode prescribed by the laws of this State; provided said last will and testament is in writing and subscribed by the testator.

AN ACT RELATIVE TO THE PROBATE IN THIS STATE OF FOREIGN WILLS.

(Enacting Clause.)

FIRST. That any will duly admitted to probate without this State, and in the place of the testator's domicile, may be duly admitted to probate and recorded in this State by duly filing an exemplified copy of said will and of the record admitting the same to probate; and such will shall then have the same force and effect as if originally proved and allowed in this State.

Bills and Notes.

AN ACT AS TO PROMISSORY NOTES, CHECKS, DRAFTS, AND BILLS OF EXCHANGE.

(Enacting Clause.)

FIRST. That all promissory notes, checks, drafts and bills of exchange shall hereafter be due and payable as therein provided, without days of grace being allowed.

SECOND. That all promissory notes, checks, drafts or bills of exchange that shall fall due on Sunday or any other legal holiday, shall be payable and presentable for payment on the secular or business day next succeeding such Sunday or holiday.

Weights and Measures.

The following is the table of weights and measures recommended by the Conference at Saratoga, as amended at the meeting held in New York City:

1. The avoirdupois pound to bear to the troy pound the relation of 7,000 to 5,760. The hundredweight to contain 100 of avoirdupois pounds, and the ton 20 hundredweight.
2. The barrel to contain 31½ gallons, and the hogshead two barrels.
3. The dry gallon to contain 282 cubic inches; the liquid gallon 231 cubic inches.
4. The bushel in heap measure to contain 2150.42 inches.
5. A barrel of flour measured by weight shall contain 196 pounds; a barrel of potatoes, 172 pounds.
6. The bushel of wheat to contain 60 pounds.
   The bushel of Indian corn, or of rye, 56 pounds.
   The bushel of barley, 48 pounds.
   The bushel of oats, 32 pounds.
   The bushel of corn meal, 50 pounds.
   The bushel of rye meal, 50 pounds.
   The bushel of peas, 60 pounds.
   The bushel of potatoes, 60 pounds.
   The bushel of apples, 48 pounds.
   The bushel of carrots, 50 pounds.

The bushel of onions, 57 pounds.
The bushel of clover seed, 60 pounds.
The bushel of herdsgrass, or timothy, seed, 45 pounds.
The bushel of bran and shorts, 20 pounds.
The bushel of flax seed, 55 pounds.
The bushel of coarse salt, 70 pounds.
The bushel of fine salt, 50 pounds.
The bushel of lime, 70 pounds.
The bushel of sweet potatoes, 54 pounds.
The bushel of beans, 60 pounds.
The bushel of dried apples, 25 pounds.
The bushel of dried peaches, 33 pounds.
The bushel of rough rice, 45 pounds.
The bushel of upland cotton seed, 30 pounds.
The bushel of Sea Island cotton seed, 44 pounds.
The bushel of buckwheat, 48 pounds.